

## RESOLUTION NO. A-\_\_\_\_\_

1 WHEREAS, the City Council, by Resolution No. A-78607, formally commenced  
2 the City's cable television franchise renewal proceedings and requested the Cable  
3 Television Advisory Board to establish the details of that proceeding, and also to issue  
4 a report of its findings and conclusions for the consideration of the City Council; and

5 WHEREAS, the Cable Television Advisory Board, with the assistance of City  
6 staff and a number of consultants commissioned by the City, have conducted surveys,  
7 hearings, interviews, and discussions with multitudes of interests groups, constituents  
8 and cable television customers about the future cable related needs of the Lincoln  
9 community; and

10 WHEREAS, the Cable Television Advisory Board has completed it's report and  
11 has requested the City Council to adopt its report and the attached Request for  
12 Renewal Proposal (RFRP) and associated documents and attachments and to issue  
13 and forward the report and RFRP to Time Warner Cable for response by the prescribed  
14 deadline.

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
16 Lincoln, Nebraska:

17 1. That the City Council concludes that the cable-related needs and interests of  
18 the community and Time Warner Cable's past performance are accurately identified in  
19 the Staff Report.

20 2. That the City Council concludes that Time Warner Cable's failure to perform  
21 under its franchise agreement and/or applicable local law, as identified in the Cable  
22 Television Advisory Board Report on Cable-Related Needs and Interests and the Past

1 Performance of Time Warner Cable, is a substantial breach of the materials terms of  
2 the franchise agreement and/or applicable law.

3 3. That the Cable Television Advisory Board Report on the Cable-Related  
4 Needs and Interests and the Past Performance of Time Warner Cable and its  
5 associated attachments and documents, (the "Staff Report"), the Request For Renewal  
6 Proposal, the model cable ordinance and the model franchise agreement are hereby  
7 approved and adopted. The City Council further adopts the requirements and models  
8 as set forth in the Staff Report, the RFRP, the model franchise agreement and the  
9 model cable ordinance as the models and requirements that will help meet the  
10 community's cable-related needs and interests.

11 4. That the City Council hereby closes the ascertainment of cable-related needs  
12 and interests and the review of the past performance of Time Warner Cable  
13 contemplated by 47 U.S.C. § 546(a).

14 5. The City Clerk is directed to forward the Staff Report and RFRP and their  
15 associated attachments, including the model ordinance and model franchise  
16 agreement, to Time Warner Cable for its review and response. The City Council  
17 hereby establishes that the deadline for submission of a complete and final response to  
18 the RFRP shall be 4:00 p.m. C.S.T. on Friday, October 1, 2004.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor